

ALPHONSO NICHOLAS FAGGIOLO :
Plaintiff : No. 2023-CV-04920-JHS
:
v. :
:
BOROUGH OF RIDLEY PARK, ROBERT :
P. DADAY, BARRY C. DOZOR, :
MICHELLE PORTNOFF, RICHARD :
TUTAK, MARY J. WALK :
:

ORDER

BY THE COURT:

Joel H. Slomsky, S.J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALPHONSO NICHOLAS FAGGIOLO	:	
Plaintiff	:	No. 2023-CV-04920-JHS
	:	
v.	:	
	:	
BOROUGH OF RIDLEY PARK, ROBERT	:	
P. DADAY, BARRY C. DOZOR,	:	
MICHELLE PORTNOFF, RICHARD	:	
TUTAK, MARY J. WALK	:	

**DEFENDANTS, BOROUGH OF RIDLEY PARK AND RICHARD TUTAK'S
REPLY IN OPPOSITION TO PLAINTIFF'S MOTION TO TAKE JUDICIAL NOTICE**

Defendants, Borough of Ridley Park and Richard Tutak (hereinafter "Borough Defendants"), by and through their counsel, Ernest Angelos, Esq., Katherine Meehan, Esq. and Raffaele Puppio, submit the within reply to Plaintiff's Motion to Take Judicial Notice.

1. Denied. Plaintiff's Motion prematurely asserts a Rule of Evidence seeking a ruling on evidence attached to initial pleadings in this matter. All of Plaintiff's allegations are denied. Borough Defendants hereby incorporate by reference the Brief of Defendants, Michelle Portnoff and Robert P. Daday, In Opposition to Plaintiffs' Motion to Take Judicial Notice Filed on April 10, 2024. (ECF#28).

2. Denied. See answer to number 1, supra.

3. Denied. See answer to number 1, supra. In addition, Borough Defendants hereby incorporate by reference the letter brief of Defendant, Mary Walk, dated April 18, 2024 and submitted to this Honorable Court. (ECF#26).

4. Denied. See answer to number 1, supra.

5. Denied. See answer to number 1, supra.

6. Denied. See answer to number 1, supra.
7. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response may be required, the allegations are denied.
8. Denied. See answer to number 1, supra.

WHEREFORE, Defendants Borough of Ridley Park and Richard Tutak pray that this Honorable Court will deny Plaintiff's Motion.

RAFFAELE PUPPIO, LLP

Date: 4/25/24

BY: *s/Katherine H. Meehan*
Ernest S. Angelos, Esq.
Katherine H. Meehan, Esq.
*Attorneys for Defendants, Borough of
Ridley Park and Richard Tutak*

CERTIFICATE OF SERVICE

I, Katherine H. Meehan, Esquire, attorney for the Defendants, Borough of Ridley Park and Richard Tutak, do hereby certify that a true and correct copy of Defendants, Borough Of Ridley Park And Richard Tutak's Reply In Opposition To Plaintiff's Motion To Take Judicial Notice, filed in the above-captioned matter was sent via the Court's electronic filing system to the following:

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Katherine H. Meehan

Katherine H. Meehan, Esquire

Date: 4/25/24